

**INITIATIVE PETITION
TO THE SECRETARY OF STATE
STATE OF NORTH DAKOTA**

We, the undersigned, being qualified electors request the following initiated law be placed on the ballot as provided by law.

SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

Debora A. Vaagen (Chair)
1506 14 ½ Ave. E.
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Mary Gainsforth
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Jacquelyn Ness
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Renee A. Kipp
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Tara Tschosik
4229 Patriot Dr.
Bismarck, ND 58503

Mary Jo Blixt
3524 Elm St. N.
Fargo, ND 58102

BALLOT TITLE

This initiated measure would add a new subdivision to subsection 1 of section 14-09-06.2 of the North Dakota Century Code providing that in divorce and legal separation cases, the court must grant joint legal and physical custody of any children if requested by either parent and neither one is found, by clear and convincing evidence, unfit or a danger to the children; generally, physical custody would be equal unless varied by written agreement of the parents.

FULL TEXT OF THE MEASURE

IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED. IF NO MATERIAL IS UNDERSCORED OR OVERSTRUCK, THE MEASURE CONTAINS ALL NEW MATERIAL WHICH IS BEING ADDED.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

A new subdivision n to subsection one of section 14-09-06.2 of the North Dakota Century Code is created and enacted as follows:

14-09-06.2(1)(n) Shared parenting – joint physical custody – equal physical custody.

It is the policy of this state that the courts shall award joint legal and joint physical custody in divorces and separations, when requested by either parent, if neither parent is found unfit or a danger to the children by clear and convincing evidence. The definition of Joint physical custody (equal physical custody) shall be a rebuttable presumption of equal time with the children; or any written time-sharing agreement agreed upon by the parents.